

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

DAVID E. FREYBURGHER  
ELIZABETH A. FREYBURGHER  
Debtors

CASE NUMBER: 17-12243  
CHAPTER 13

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TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

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COMES NOW, the Trustee, Debra L. Miller, by and through undersigned counsel, and files her Objection to Confirmation of the Plan and for cause states as follows:

1. Trustee initially notes the Plan hearing on confirmation is for the Plan filed November 16, 2017. An Amended Plan was filed on January 9, 2018 which was not timely filed to be considered at the confirmation hearing. Trustee notes it appears the main change to the Amended Plan is to avoid a lien of Heights Finance.
2. Trustee objects to confirmation as the Debtors statement of affairs needs to be amended to comply with 11 U.S.C. § 521. Debtors did not list 2017 wages in the statement of financial affairs and it should be amended to reflect 2017 wages.

WHEREFORE, the Trustee objects to confirmation of the proposed Plan for failure to meet the requirements of 11 U.S.C. §1325(a) and (b).

Dated: January 16, 2018

Respectfully Submitted,

/s/ Jon R. Rogers, #27701-49  
Jon R. Rogers, Staff Attorney  
Debra L. Miller, Chapter 13 Trustee  
P.O. Box 11550

South Bend, IN 46634  
(574) 254-1313

CERTIFICATE OF SERVICE

I hereby certify that a copy of this objection was served as follows on January 16, 2018:

By U.S. Mail postage prepaid:

Debtors: David and Elizabeth Freyburgher, 704 W. Main, Portland, IN 47371

By electronic mail via CM/ECF:

Debtors' Attorney: Dennis G. Golden

U.S. Trustee at [ustregion10.so.efc@usdoj.gov](mailto:ustregion10.so.efc@usdoj.gov)

/s/ Harriette King

Harriette King